

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GOVERNMENT OF PUERTO RICO, et al.,

Defendants.

CIVIL NO. 12-2039 (GAG)

ORDER EXTENDING INVITATION TO PUBLIC HEARING

This Court takes judicial notice of the fact that presently, the Legislative Assembly of the Commonwealth of Puerto Rico is considering and entertaining a Bill which intends to consolidate, among other administrative bodies, law enforcement agencies in the local jurisdiction. See Fed. R. Evid. 201(b)(1)(2). Moreover, the Court also takes judicial notice of the fact that the Legislative Assembly has been considerate enough to extend an invitation to the Technical Compliance Advisor (“TCA”), Coronel Arnaldo Claudio, and Mr. Alfredo Castellanos Bayouth, Constitutional Legal Advisor to the TCA and Counsel In Charge of All Public Hearings, to address matters related to the possible enactment of the above-mentioned legislative initiative.

Due to the above, the Court is compelled by constitutional mandate to express itself about any potential participation of the TCA in the above-mentioned legislative process. It is imperative to clarify that the TCA acts and exercises his authority pursuant to the Consent Agreement (Docket No. 60) as an arm of the Federal Judiciary. Hence, in his official capacity, all opinions that the TCA renders must be confined to the limitations of the Consent Agreement and the jurisdictional limitations of this Court.

Furthermore, the Court emphasizes that from the inception of the present case, the Court has consistently followed principles of comity towards the local jurisdiction. As former Solicitor General, the undersigned in this case has particular sensitivity to the needs that the Government of Puerto Rico may have in the process of exercising its legislative discretion to create a new operational framework for the difficult task of upholding law and order in the local level. This being said, the faculties that this Court may exercise at all times are limited to only matters which satisfy the case and controversy jurisdictional mandate. Consequently, Federal Courts are impaired at all times from giving any form of advisory opinion. Chisholm v. Georgia, 2 U.S. 419 (1793); see also Campbell-Ewald Co. v. Gomez, 136 S. Ct. 663, 678 (2016); United States ex rel. Gadbois v. PharMerica Corp., 809 F.3d 1, 8 (1st Cir. 2015).

With the objective of avoiding any unwarranted conflicts between the The Government of Puerto Rico and the U.S. Department of Justice, the Court hereby considers it proper and consistent with previous procedural practices,¹ to extend an official invitation to all members of the Legislative Assembly to attend the upcoming Public Hearing to be held on **Friday, February 24, 2017 from 9:00 a.m. to 5:00p.m.** at the 5th floor courtroom of the José V. Toledo U.S. Courthouse in Old San Juan, Puerto Rico.

The Court instructs Mr. Castellanos to notify the present order to the following members of the Legislative Assembly.

From The Senate:

A. Hon. Tomás Rivera Schatz, President of the Senate;

B. Hon. Henry Neumann, President of the Commission of Public Security;

¹This Court notes that in the past, numerous public officials have been invited, and have in fact, participated in all Public Hearings, including but not limited to, ex-governors, mayors and members of the Puerto Rico Supreme Court.

1 C. Hon. Eduardo Bhatia, Minority Leader of the Popular Democratic Party;

2 D. Hon. Juan Dalmau, Minority member of the Puerto Rican Independence Party; and

3 E. Hon. José Vargas Vidot, Independent Senator.

4 **From the House of Representatives:**

5 A. Hon. Carlos “Johnny” Méndez, President of the House of Representatives;

6 B. Hon. Jorge Navarro, President of the Commission on Government Affairs;

7 C. Hon. Félix Lassalle, President of the Commission on Public Security;

8 D. Hon. Rafael Hernández, Minority Leader of the Popular Democratic Party; and

9 E. Hon. Denis Márquez, Minority Leader of the Puerto Rican Independence Party.

10 Due to the limited seating space available in the Old San Juan Courthouse, the Court
11 strongly encourages that any Legislative Member that intends to be present at the scheduled Public
12 Hearing confirm his participation and acceptance to the present invitation through Mr. Castellanos
13 at 787-641-8447 or at alfredo@cglawpr.com. Upon service of notice of the Court’s directive to
14 the above-mentioned legislators, Mr. Castellanos is to certify to the Court that said individuals
15 have been duly notified.

16 Furthermore, the Court informs the Legislative Assembly that the TCA and his
17 Constitutional Advisor are authorized to offer orientations regarding the Sustainable Reform of
18 the Puerto Rico Police Department in a non-public, educational type forum. Such session(s) shall
19 be coordinated through Mr. Castellanos as well.

20 **IT IS SO ORDERED.**

21 In San Juan Puerto Rico, this 17th of February 2017.

22 */s/ Gustavo A. Gelpí*
23 GUSTAVO A. GELPÍ
24 United States District Judge